

REMARKS

In the Office Action, the Examiner indicated that claims 1, 3-11, 13-19, 21-26, 28-35, and 37-42 are pending in the application and the Examiner rejected all claims.

The Double Patenting Rejection

On page 2 of the Office Action, the Examiner rejected claims 1-42 under the judicially created doctrine of double patenting over claims 1-51 of U.S. Patent No. 6,757,708. Applicant has filed a Terminal Disclaimer concurrently herewith to overcome the double patenting rejection.

Claim Rejections Based on Art

In item 4 on page 4 of the Office Action, the Examiner rejected claims 1-2, 4-12, 14-18, 20-28, 30-36, and 38-42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,449,657 to Stanbach, Jr. et al. (“Stanbach”).

The Present Invention

The present invention provides an improved cache management method and system for storing dynamic content in a computing environment. The cache management method considers predetermined parameters associated with the cost of generating dynamic content to be cached, such as the financial and “CPU costs” associated with generating web pages, and selectively replaces the dynamic content that is stored in the cache with new dynamic content based on information pertaining to the generation of the cached content, e.g., the generation costs. In this

manner, storage of dynamic content in the cache is prioritized based on the cost of regenerating the dynamic content as compared to the cost of regenerating already-cached content. In the previously described web page example, pages stored in the cache that are costly (e.g., in terms of dollars, CPU time, etc.) to recreate are not replaced with the new pages and the costs of providing dynamic pages to the users can be reduced significantly. Thus, the present invention provides a cache management system and method which implements a page replacement technique having a more global view, in that it considers the entire cost of generating a dynamic page from all involved machines and networks before the page can be replaced in the cache. As a result, the cost of providing dynamic pages to end-users can be reduced significantly and the efficient allocation of resources can be achieved in connection with the generation of dynamic pages.

U.S. Patent No. 6,449,657 to Stanbach, Jr. et al.

U.S. Patent No. 6,449,657 to Stanbach, Jr. et al. ("Stanbach") teaches an Internet hosting system. The Examiner relies on a certain embodiment, entitled "E-Mail Advertisement Selection". Email messages are scanned and advertising is selected to associate with the email message based on the location of certain key words or phrases in the message body, and also, if desired, upon personal information stored about the intended recipient or other criteria. The Examiner relies in particular on one embodiment, whereby a customer pays an overhead fee plus an insertion fee to the advertiser based upon the content of the advertisement to be inserted in the email. The advertiser charges a different fee for the advertisement based on certain parameters, for example, as the advertisement content more closely matches the intended audience

demographics, the cost of the advertisement may go up. Thus, fees for advertising are charged based on a perceived value of the advertising to a particular audience member or audience group.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

As noted above, the present invention is directed to a method and system for managing a cache associated with a computer device. More particularly, the present invention associates each of a plurality of cached content in the cache with generation information corresponding to a level of resources used to create the cached content, the generation information including a generation cost of each cached content (e.g., the processing and monetary costs in terms of time and resources, for generating the content to be cached). Content that is more costly to generate is cached ahead of content that is less costly to generate.

The relevant portion of Stanbach is concerned with how best to charge fees to customers for whom an advertiser is providing advertising services. If a particular piece of advertising content is being inserted in emails for an audience specifically targeted for that advertising, the advertiser may charge a higher cost because the advertising content will have a higher likelihood

of success. However, nothing in Stanbach has any suggestion or teaching of considering the generation costs of content for caching prior to caching it. Stanbach is only concerned with the fee to be charged a customer and not with the costs (processing costs, monetary costs, or otherwise) of generating the content to be cached.

Each of the independent claims set forth the consideration of generation costs (also called "creation costs") of content when deciding if the content is to be cached. Since Stanbach does not teach (or even suggest) the claimed subject matter, it is inappropriate to reject the claims based upon Stanbach. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-2, 4-12, 14-18, 20-28, 30-36, and 38-42 under 35 U.S.C. §102.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

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The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

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Date



Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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